

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: OCTOBER 6, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2009-40 - Prohibits the parking of a mobile billboard within five hundred feet of a single-family dwelling. Sponsored by: Councilman Gary Reese

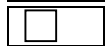
Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will prohibit the parking of a mobile billboard within five hundred feet of a single-family dwelling. The bill is intended to help protect the quality of residential neighborhoods and is consistent with existing rules governing the parking of certain commercial vehicles in residential areas.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2009-40
2. Business Impact Statement

Motion made by STAVROS S. ANTHONY to Approve as Do Pass as a First Amendment

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

STAVROS S. ANTHONY, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHIEF DEPUTY CITY ATTORNEY VAL STEED indicated that this measure was proposed by COUNCILMAN REESE, as he is concerned the parking of mobile billboards and parking such vehicles within residential neighborhoods. Staff continues to research the possibility of placing restrictions within residential neighborhoods, as this measure is the first step which targets those structures on vehicles that are parked for the purpose of advertising. This measure does not include public transportation vehicles or personal vehicles that may advertise business. Staff's recommendation is for approval.

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In expressing his support, TEDDY RUSSELL agreed with COUNCILMAN REESE'S justification for the proposed bill.

MARLA LETIZIA, President, Big Traffic, and Chief Executive Officer-Letizia Mass Media, appeared and gave some background on Big Traffic, which is the largest mobile billboard company in the southwest. She felt it was pertinent to point out that Big Traffic has never played a part in adult advertisements, and some of their clientele includes Sax Fifth Avenue, MGM Mirage and Coco Cola.

MS. LETIZIA explained that the industry is somewhat out of control, due to the limited attraction locally for regulating such industry. There are mobile billboard trucks, known as "one truck wonders", that come into town during conventions and profit, leaving approximately \$15,000 to \$20,000 in revenue. These companies are not licensed and do not pay State taxes. In addition, they do not have to pay for overhead, as their vehicles are stored offsite within an industrial area. As a result, certain content on these vehicles is being brought within neighborhoods. They are pleased that the City is moving forward with some form of regulation. MS. LETIZIA referenced Section 1(B) of the proposed bill, noting that she is aware that the City Attorney is also in agreement that the portion excluding taxicabs or buses of the proposal could be challenged in court. She did not believe that it was appropriate to allow some form of competition between the government and the private industry by permitting these two vehicles and not others. COUNCILMAN BARLOW clarified with CHIEF DEPUTY CITY ATTORNEY STEED that the intent of the ordinance is to prohibit overnight parking of the mobile billboards; however, it does not prohibit driving through neighborhoods. COUNCILMAN ANTHONY added that the issue arose from the storage of these mobile billboards within neighborhoods. He is not aware of any complaints regarding RTC vehicles being stored in neighborhoods.

COUNCILMAN ANTHONY confirmed with MS. LETIZIA that the description of "mobile billboard" is sufficient for her but was unsure of the public's understanding. The Councilman questioned if the City should identify other uses allowed or simply what is not allowed. CHIEF DEPUTY CITY ATTORNEY STEED responded that the City cannot regulate vehicles with public transportation capability. MS. LETIZIA rebutted that those vehicles carry advertising, so the problem with including them is that it is subject to a challenge and/or lawsuit.

COUNCILMAN ANTHONY questioned if the City currently has fleet with advertisements on them for marketing purposes. MS. LETIZIA noted that the City has advertised with her company for years for the City's Parks and Recreation. CITY MANAGER ELIZABETH FRETWELL clarified that the City does not have fleet with commercial messages. Parks and Recreation has announcements in community calendars, cultural guides, etc. The Fire Division has stickers on the trucks, such as "Heat Kills", but there are no advertisements that generate revenue. She is also aware that the City has taken advantage of free vacant space for announcements regarding public service. She offered to review the matter further. CITY MANAGER FRETWELL clarified that the Regional Transportation Commission is governed by a regional board from a variety of boards, including that of the City. With that, MS. LETIZIA recognized there is some impact relative to the City.

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MS. LETIZIA expressed the company's desire to support the proposed ordinance, withstanding the fact that there is a concern for a possible challenge/lawsuit. She gave an example of how the private industry could have an advantage over the government.

COUNCILMAN BARLOW understood both sides of the argument. CHIEF DEPUTY CITY ATTORNEY STEED confirmed for COUNCILMAN ANTHONY that the City can regulate, but not prohibit, the parking of taxicabs and Regional Transportation Commission vehicles within neighborhoods. There has to be some form of rationale above just the parking of such vehicles. CHIEF DEPUTY CITY ATTORNEY STEED was more comfortable in defending the mobile billboards than defending from those the City does not regulate.

MS. LETIZIA commented on a University of Nevada Professor, DEAN DePAULO, and his concern with the possibility of adult advertisements coming through his neighborhood. She believes there are community standards but many are afraid to speak up. The end result is the issue is danced around by legislating something else. It would appear that there is no enforcement of current laws, which is unfair to those individuals and companies who are being diligent.

JUANITA CLARK appeared on behalf of Charleston Neighborhood Preservation and expressed support for the proposed bill. Although the issue does not exist within their neighborhood, the bill could still be appreciated. She agreed with MS. LETIZIA'S concern regarding government versus private enterprise.

CHIEF DEPUTY CITY ATTORNEY STEED recognized that the proposed bill included a standard penalty clause under Section 3, which deals with the City's parking regulations and are enforced civilly. This section should be deleted and Section 4 should be renamed as Section 3. He recommended approval as First Amendment.